

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE LAUGHLIN PRODUCTS, INC., : MDL Docket No. 1498
PATENT LITIGATION :
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IN RE LAUGHLIN PRODUCTS, INC./ : MDL Docket No. 1594
MAGIC TAN PATENT LITIGATION :
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ORDER

AND NOW, this 23rd day of April, 2004, following a conference in Court with counsel on April 22, 2004, it is hereby ORDERED as follows:

1. Discovery in both cases, MDL 1498 and MDL 1594, shall proceed on a consolidated basis, without prejudice to counsel, by agreement, or by motion, requesting modifications and/or exceptions to consolidation for good cause shown.
2. The stay of discovery is lifted, and fact discovery shall proceed on all issues. Fact discovery shall be completed under the following schedule:
 - a. All parties participating in discovery shall propound an initial request for production of documents no later than May 3, 2004. Counsel shall discuss whether discovery directed to or by the franchisees in this case can proceed on a representative or test-case basis, as discussed at the pretrial conference; the Court reserves decision on this issue if a dispute between or among the parties is presented by motion.
 - b. The parties who participate in the production of documents shall complete document production no later than June 30, 2004.

c. Depositions shall commence as of July 6, 2004, and shall be completed by October 30, 2004.

3. At the close of fact discovery, counsel shall discuss refinement of claim construction procedures and/or issues.

4. In the absence of any agreement of counsel or other Order, on or before December 1, 2004, Laughlin Products, Inc. shall serve its contentions concerning claim construction, and its expert reports limited to claim construction issues. Counsel shall thereafter discuss any further refinement of claim construction issues.

5. On or before January 14, 2005, other parties shall submit their contentions concerning claim construction, and any expert reports limited to claim construction issues.

6. The Court will hold another pretrial conference on September 16, 2004 at 2:00 p.m. Please call chambers at 267.299.7520 for courtroom location. If counsel cannot physically be present in Philadelphia on September 16, 2004, they may participate in the conference by telephone by advance notice to chambers (267.299.7520).

BY THE COURT:

Michael M. Baylson, U.S.D.J.

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